

173-4-04**Older Americans Act nutrition program: procuring for person direction.**

- (A) When an AAA procures for congregate dining project(s) or home-delivered meals project(s), the AAA is subject to rules 173-3-04, 173-3-05, 173-3-05.1, and 173-3-06 of the Administrative Code and this rule.
- (B) When an AAA procures for congregate dining project(s) or home-delivered meal project(s), the AAA shall procure for person direction by one of the following competitive procurement methods:
- (1) Procurement by the competitive-proposal method defined in 45 C.F.R. 75.329:
- (a) Allow the highest level(s) of person direction that providers offer in bid(s) to determine what are responsive level(s) of person direction for its PSA.
- (b) Indicate in the request for proposal (RFP) that a responsive bid is a bid in which the provider explains how it proposes to offer person direction.
- (c) Award the AAA-provider agreement(s) to the provider(s) offering the most-responsive bid(s) that is based on a score on the level of person direction that each provider's bid offers in the score determining the responsiveness of a bid.
- (2) Procurement by the sealed-bid, small-purchase, and micro-purchase methods defined in 45 C.F.R. 75.329:
- (a) Determine the level of person direction that providers in the PSA are capable of offering without basing the AAA's calculations of this level solely on the willingness of providers who are currently in AAA-provider agreements with the AAA.
- (b) Indicate in the RFP that a responsive bid is a bid in which the provider explains how it proposes to meet or exceed the level of person direction that the AAA determined providers in the PSA are capable of offering.
- (c) Award the AAA-provider agreement(s) to the provider(s) offering the most-responsive bid(s) that is based on a score on the level of person direction that each provider's bid offers in the score determining the responsiveness of a bid.
- (C) During a state of emergency declared by the governor or a federal public health emergency, paragraph (B) of this rule does not apply with regard to dining formats, location, delivery methods, times, and frequencies.

(D) Definition for this rule: "Person direction" means a subset of person-centered methodology. While person-centered methodology requires providers to work with consumers to determine what is best for the consumers, person direction allows consumers to decide what is best for themselves from a range of viable options. Person direction over congregate and home-delivered meals allows consumers to control the direction of their meals.

Giving consumers options between dining formats, locations, and times; allowing consumers to enjoy multi-generational dining; giving consumers options between entrées at each mealtime; and giving consumers options between one entrée and the sides that accompany it and at least one other entrée and the sides that accompany it (even if consumers exchange entrées or sides between two or more complete meal options) are examples of possible ways to offer person direction to consumers through congregate nutrition projects.

Giving consumers options between delivery formats (e.g., warm, frozen, chilled), options between delivery times (e.g., morning, afternoon), and options between delivery frequencies (e.g., per-meal delivery, periodic delivery); options between entrées at each mealtime; and options between one entrée and the sides that accompany it and at least one other entrée and the sides that accompany it (even if consumers exchange entrées or sides between two or more complete meal options) are examples of possible ways to offer person direction to consumers through home-delivered meals programs.

Replaces: 173-4-04
Effective: 1/1/2023
Five Year Review (FYR) Dates: 11/30/2027

CERTIFIED ELECTRONICALLY

Certification

12/19/2022

Date

Promulgated Under: 119.03
Statutory Authority: 121.07, 173.01, 173.02, 173.392; 42 U.S.C. 3025; 45 C.F.R. 1321.11, 1321.17
Rule Amplifies: 173.39, 173.392; 42 U.S.C. 3025, 3030e, 3030f; 45 C.F.R. 1321.11, 1321.17
Prior Effective Dates: 03/23/2009, 08/23/2012, 09/01/2016, 06/11/2020 (Emer.), 12/31/2020, 01/29/2022